

1
2
3
4
5

6 IN THE UNITED STATES DISTRICT COURT

7
8

FOR THE NORTHERN DISTRICT OF CALIFORNIA

9

RANDY W. BOYKO and MARISA BOYKO,

10

Plaintiffs,

No. C 09-01739 JSW

11

v.

12

QUALITY LOAN SERVICE
CORPORATION, ET AL.,

13

Defendants.

**ORDER VACATING HEARING
ON MOTION TO DISMISS AND
ORDER TO SHOW CAUSE**

14

15

This matter was set for a hearing on July 17, 2009 on the Defendants Federal Deposit Insurance Corporation and Mortgage Electronic Registration Systems, Inc.'s motion to dismiss the complaint, or in the alternative, for a more definite statement. On April 28, 2009, the Court ordered that an opposition to the motion had to be filed no later than May 13, 2009 and a reply had to be filed no later than May 20, 2009.

21

22

23

24

Thereafter, the Court granted the motion to withdraw as counsel from counsel for Plaintiffs Randy W. Boyko and Marisa Boyko based on their failure to pay attorneys' fees and extended the deadline for Plaintiffs to oppose the pending motion to dismiss to September 14, 2009 to file an opposition. The Court has received no opposition to the motion to dismiss.

25

26

27

28

Accordingly, the Court VACATES the hearing date of October 2, 2009 on Defendants' motion to dismiss. Plaintiffs are HEREBY ORDERED TO SHOW CAUSE in writing no later than October 9, 2009, as to why this case should not be dismissed for failure to prosecute. Failure to respond to this Order by October 9, 2009 shall result in dismissal of this matter

1 without prejudice.

2 Defendants shall serve Plaintiffs with a copy of this order and proof of such service with
3 the Court by no later than September 29, 2009.

4

5 **IT IS SO ORDERED.**

6 Dated: September 24, 2009

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Jeffrey S. White
JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE